



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE
Minutes of Meeting on October 31, 2007
[Approved on November 29, 2007]

Prepared by: **Lynn Peterson Read**

Meeting Location: Massachusetts Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts

- 1. Call to Order:** Debra Stake called the meeting to order at 10:23 a.m. Also present were Janine Commerford, Kirk Franklin, Christophe Henry, Paul Mullen, and Kelley Race. Gail Batchelder arrived at 10:55 a.m. Committee members absent: Deborah Farnsworth, Gretchen Latowsky, Bob Luhrs, and Debbie Phillips. Staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Ron Viola, Terry Wood, and Alan Wyman. Also present was Wesley Stimpson, the LSP Association's Executive Director.
- 2. Announcements:** Mr. Fierce introduced Ron Viola, who joined the staff of the LSP Board as Program Coordinator on October 9, 2007.
- 3. Previous Minutes:** The draft minutes of the meeting held on September 12, 2007, were approved with corrections. During the discussion of the minutes, the Committee requested that Ms. Wood seek clarification from MassDEP as to whether MassDEP will always forward to the Board Notices of Audit Finding that arise after the MassDEP has filed a pattern-and-practice complaint. The Committee also approved Mr. Fierce's suggestion that the staff draft a policy describing circumstances under which a Complaint Review Team (CRT) should seek authorization from the Committee before adding sites to investigations of both pattern-and-practice complaints from MassDEP and other complaints filed by MassDEP and private parties.
- 4. Old Business**

A. Status of CRTs

At Ms. Stake's request, the chair of each CRT reported on progress made during the last month. Upon request, the Committee authorized the CRTs for Complaints Nos. 05C-06, 05C-07, and 07C-01 to expand their investigations to certain additional sites.

B. Website Subcommittee, including issue when new complaints should be listed on Website

Ms. Commerford reported that the Website subcommittee has not had an opportunity to meet to consider the issue that the Committee had referred to it, namely, when new complaints should be listed on the Board's Website. Most of the members of the Website subcommittee also serve on the Board's Exam subcommittee, which is working to finish the next version of the exam. Ms. Commerford will collect the opinions of the Website subcommittee members on the issue of posting new Complaints to the Web, and she will report to the Committee at a future meeting.

C. Update re: Meeting with Division of Administrative Law Appeals (DALA)

Mr. Fierce reported that he, Ms. Stake, Mr. Luhrs, and Ms. Commerford met on September 20, 2007, with Shelly Taylor, chief administrative magistrate at Division of Administrative Appeals (DALA), in response to the Board's written request. Mr. Fierce reported that Ms. Taylor listened intently as the group described the work of the Board. She said she appreciated the importance to the LSP program of timely decisions from DALA on appeals from the Board's disciplinary action against LSPs, and committed to inform the Board when it could expect DALA to issue recommended decisions in the two pending Board cases. Ms. Commerford announced that on October 12, 2007, Ms. Taylor notified her that DALA would issue the recommended decisions in both of the Board's cases within 30 days. Mr. Fierce then described the Board's procedure after receipt of recommended decisions.

5. Future Meetings:

The Committee will meet next on November 29, 2007, at the Central Regional Office of MassDEP in Worcester. The Committee will not meet in December, and will meet on January 9, 2008, at Weston & Sampson in Peabody.

7. Adjournment: The meeting was adjourned at approximately 11:38 a.m.